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UNCLAS SECTION 01 OF 16 CONAKRY 000267

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SENSITIVE

FOR G/TIP ? Veronica Zeitlin
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SUBJECT: GUINEA 2007 TIP REPORT

REF: 06 STATE 202745

11. (SBU) SUMMARY. Over the past year, the Government of Guinea has made concentrated efforts to address trafficking in persons. Most importantly, it has successfully investigated and prosecuted a trafficking case, sentencing the perpetrator to time in prison. The judicial sector is plagued by endemic corruption and lack of institutional capacity. Trafficking, like other crimes, is punished unevenly. This first conviction sends a strong signal that impunity for traffickers is unacceptable. There has been continued progress in raising awareness on trafficking, significant cooperation with neighboring countries, and solid collaboration with civil society to implement the national action plan. The Guinean armed forces initiated an action plan to combat trafficking and continue training officers and soldiers on related issues. In balance, the Government of Guinea has demonstrated the political will and concrete actions to address trafficking in persons. The following sections are keyed to the criteria in ref tel paragraphs 27-30. End Summary.

OVERVIEW OF GUINEA'S ACTIVITIES TO ELIMINATE
TRAFFICKING IN PERSONS

A) Guinea is a country of origin, transit, and destination country for men, women, and children trafficked for sexual exploitation and domestic and commercial labor. The Guinean government does not have reliable statistics on the exact numbers in each group. Estimates run in the hundreds. The most recent report on trafficking in Guinea, completed by Stat-View for UNICEF in August of 2003, indicated that the majority of child trafficking was internal to Guinea. The report concluded that trafficking in Guinea is "marginal in magnitude according to the international definition".

-- The primary sources of information on trafficking in persons are the National Committee to Combat Trafficking in Persons and the national and international NGOs that work in collaboration with this committee. Statistics are unreliable because there are no established mechanisms to collect the necessary data to regularly update them. Studies have so far been dependent on international funding, but the government plans to undertake more thorough documentation of trafficking. The Ministry of Justice initiated a project with the International Organization for Migration (IOM) to synthesize past and present reports to develop a more robust system to centralize and track this information.

-- The Guinean government initiated a comprehensive study with a focus on the issue of trafficking, working with the International Labor Organization (ILO) via the International Program for the Elimination of Child Labor (IPEC) to undertake an exhaustive analysis of child labor in Guinea. The research project is nearing completion and has collected data on the numbers of children who work in the mining sector, as street vendors, as domestics, and who are associated with drug or arms sales. Since the number of Koranic schools is growing, the study also examines how children are treated in these institutions, since some schools are reported to exploit students as workers. Results have not yet been released.

-- Guinean children are internally trafficked to Conakry, mainly from the impoverished rural areas of Upper and Middle Guinea. The problem exists across all ethnic

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groups, partly as a result of the country's economic crisis. Families employ girls as domestics, and boys work as shoe shiners and street vendors. Traffickers place boys from Guinea's rural regions in Koranic schools, where they work for the schoolmasters and may be forced to beg for their meals. Some children work as agricultural laborers on plantations or in artisanal gold and diamond mining operations. Like last year, children are not being recruited from refugee camps to participate in armed regional conflicts. The ICRC reported that trafficking of children was a problem among repatriates from Sierra Leone and Liberia, some of whom hoped to gain advantage from reunification projects intended to reconstitute families separated through war.

B) There has been no significant change in the trafficking situation in Guinea since the last report. The Government of Guinea has steadily continued its efforts, demonstrating the political will to address trafficking in persons issues. It made marked progress in the area of prosecution, a key aspect that had been previously identified as a problem. The government continued to make progress in other areas initiated in its successful effort to be removed from the "Special Watch List" in 2006. There has been considerable progress in raising awareness on trafficking, continued cooperation with neighboring countries based on recent bilateral and multilateral accords, and solid collaboration with civil society to implement the national action plan. The National Committee to Combat Trafficking in Persons, bringing together government, NGO, and IO partners, continued to operate.

-- To further strengthen efforts in the sub-region, the National Committee hosted a July 24 workshop with Economic Community of West African States (ECOWAS) representatives to evaluate the conformity of the country's action plan with ECOWAS standards and common guidelines. The Committee concluded that Guinea is in compliance with ECOWAS standards and has made significant progress in prevention and awareness. Through attendance at regional conferences, committee representatives continue to develop specific terms of reference with its neighbors to collect reliable

data on human trafficking. The Government of Guinea has encouraged its partner NGOs to collaborate with regional NGOs to develop and strengthen networks and systems to support its efforts.

-- Successful government partnerships have ensured that populations in all regions of Guinea are becoming more knowledgeable about trafficking and the resources available to combat the problem. While Guinea has demonstrated concrete efforts during the year, prosecution of traffickers remains an area where progress remains slow due to fundamentally weak judicial system with limited capacity to prosecute any crimes. There is a chronic lack of resources to identify and investigate traffickers, although for the first time, there are several cases in the system with active investigations where suspected perpetrators are charged with trafficking crimes. There is a paucity of resources available for victim protection and the government relies almost entirely on its NGO and IO partners to provide these services.

-- Guinea is a source country for women and girls trafficked to Cote d'Ivoire, Benin, Senegal, Nigeria, South Africa, Spain, and Greece, for domestic servitude and sexual exploitation. Traffickers occasionally use Guinean men for agricultural labor. The majority of trafficking in girls destined for Guinea originates in the sub-region in Nigeria, Ghana, Mali, and Burkina Faso, with smaller

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numbers coming from Liberia, Senegal, and Guinea-Bissau. The vast majority of trafficked victims leave indigent homes hoping for better economic opportunities elsewhere. Their families are approached by friends, other family members, influential members of their communities, or persons of greater economic means with promises for a better life. In exchange for money and promises of future payments, the victims are sold or given by their families to traffickers who have gained their trust or admiration. Cases of abduction are rare, but exist.

-- There is a growing number of third country nationals destined for Guinea. Many of these victims are women and girls from China brought to Guinea for sexual exploitation for an increasing population of Chinese businessmen and workers on large infrastructure projects. Organized trafficking networks from Nigeria, China, India, and Greece use Guinea as a transit point. Traffickers take advantage of the fact that Guineans do not need a visa for entry into some North African countries and that Guinean documents are easy to obtain. False documents are commonly used to move the victims. The female victims are transported through the Maghreb countries to Europe, notably Italy, Ukraine, Switzerland and France. A network of Indian operators also exists which transports young adult men from India and Pakistan through Nigeria and Senegal to Guinea where they are housed before being transported for labor in European countries, although this latter practice probably falls within illegal migration.

C) The Guinean government is severely limited in its ability to address trafficking in persons. The economy is in deep crisis, a situation that led to a nationwide grassroots movement to protest dire political and economic conditions and leaders who failed to perform. Over the last year, Guinea has grappled with the violence and crippling effects of three general strikes, a state of siege, and related killings and massive public and private property damage. Many of the state administrative offices in Conakry and the interior have been destroyed. Inflation is over 30% at the same time currency depreciation posed a major challenge.

-- Funding for police and judicial institutions is meager. The government has insufficient resources for its social and administrative programs; operating budgets are slim or

non-existent. Therefore, the government focuses its anti-trafficking activity on structural and policy changes, which are powered by funding and implementation from NGOs and other multilateral programs.

-- Corruption is an acknowledged and persistent problem in Guinea. Although no statistics are available, it is possible that some customs, immigration and border officials or higher-level officials are individually complicit in trafficking incidents. There were no arrests or prosecutions of corruption cases connected to trafficking during the year. Some traffickers and their accomplices are reportedly protected by powerful actors and have not been brought before the criminal justice system.

-- In spite of limited resources and capacity, the government has undertaken efforts to improve awareness through the Ministry of Pre-University Education to integrate TIP-related issues into the primary school curriculum. The government has also sought to establish more community-based victim protection services to place children into welcoming families. By enlarging the community of donors who can provide support to combat TIP, the government has been able to initiate several projects

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over the last year, ensuring through the National Committee that they are coordinated in their approach.

D) The Guinean government continues to monitor TIP issues through the National Committee to Combat Trafficking in Persons, formally established in February 2006. Guinea also monitors its effort through compliance with its anti-trafficking convention with ECOWAS, signed in 2001. The treaty confers investigation rights and extradition privileges related to trafficking to the member countries.

-- Recent bilateral and multilateral accords seek to increase regional cooperation, harmonize legislation, and promote information exchange. A significant monitoring component of the multilateral accord is the Permanent Regional Monitoring Commission (CRPS) that ensures signatories are implementing the agreements, exchanging necessary information, and proposing solutions to combat trafficking. Each state signatory is also charged with creating a National Monitoring Commission (CNS); the members of Guinea's National Commission have been identified, and have begun their work. The government cooperates and integrates its trafficking-related programs with UNICEF, Save the Children, Plan Guinea International, WACAP and other NGO programs, to reinforce its financially strained victim protection services.

PREVENTION

A) The Guinean government acknowledges that trafficking is a problem. All of the relevant government ministries have appointed representatives for the National Committee to Combat Trafficking in Persons. The Ambassador and DCM have engaged the government at the highest levels, including with the Minister of Justice and Minister of Social Affairs, who recognized the gravity of the problem and called on all relevant actors to implement recommendations set forth in Guinea's plan of action.

B) The National Committee to Combat Trafficking in Persons is charged with the development, planning, coordination, and implementation of policies, programs, and other measures to prevent, repress, and punish all forms of trafficking in persons. There are sixteen ministries represented on the Committee. The Ministry of Social Affairs and the Promotion of Women and Children takes the lead and has the Committee Presidency. Other members are: Ministry of Justice, Vice President; Ministry of Security,

Rapporteur; Ministry of Labor; Ministry of Territorial Administration and Decentralization; Ministry of Foreign Affairs; Ministry of Tourism; Ministry of Cooperation; Ministry of Pre-University Teaching and Civic Education; Ministry of Vocational Teaching and Professional Training; Ministry of Transportation; Ministry of Economy and Finance; Ministry of Youth, Sports and Culture; Ministry of Public Health; Ministry of Information; Ministry of Fishing and Aquaculture; Ministry of Agriculture and Animal Husbandry. A non-governmental agency, the Guinean Employers' Association (Patronat), is also represented.

-- The National Committee is a crucial leader in Guinea's anti-trafficking efforts but it lacks the depth to be efficient in its efforts. While it has broad-based membership, the larger group rarely meets. The Committee President reports that this is due to severe resource constraints and a lack of an operating budget, which makes it impossible even to provide refreshments for members when they gather. The executive committee members tend to be

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extremely knowledgeable and active, generally meeting at least one time per month. However there is little knowledge transfer to the rest of the committee. Many representatives, particularly from those ministries not traditionally involved in this issue, make only nominal contributions. Several ministries have not yet fully engaged the issue and integrated it into policy and programming.

-- While it is not formally part of the National Committee, the Ministry of National Defense, through its Directorate of Operations and Instruction and Office for Protection of Children's Rights, is actively engaged on trafficking issues. As a result of long-term training of Guinea's security forces, the armed forces have developed a 2007 action plan to combat trafficking in children. The plan's objective is to put in place and make functional at the heart of the armed forces, a mechanism to combat trafficking in children and initiate actions integral to Guinea's national plan to combat trafficking in persons. While the armed forces have not yet developed its own concrete activities, its designation of officers to work specifically on this issue is significant.

C) Guinea's national action plan to combat trafficking in persons includes public awareness campaigns as a priority. The government continues to view this as the most important component of its efforts. Beginning in 2005 and continuing through the reporting period, with support from UNICEF (and partially financed through FY2005 ESF funds), the government launched an intensive national information and education initiative. The campaign focuses on the supply side of trafficking of children, aiming to reduce the number of potential victims. The overall objectives of the media campaign are to inform and raise awareness of Guineans on trafficking and the rights of children. By including information on the international and national legislation related to trafficking, the campaign informs the population of the consequences of trafficking on a national scale.

-- The information and education campaign includes the production of a film that uses a series of fictional vignettes to raise awareness of trafficking issues. The film shorts are in French and in local languages, featuring stories from all regions of Guinea. They have been broadcast to wide acclaim on national television and in community centers, schools, and neighborhoods across the country. Working with the NGO Mano River Women for Peace, the media campaign engaged traditional communicators in all four regions to conduct a grassroots effort to strengthen understanding of trafficking and children's rights. Although the campaign is focused on curbing the demand for trafficking, its messages will also target victims by

educating them about the resources available for assistance. Government representatives supported children who put on a play in April and an acrobatic performance in June that featured anti-trafficking themes, in the children's own words. Although a formal evaluation of the campaign has not been concluded, its activities have resulted in a marked increase in levels of awareness in many communities throughout Guinea.

D) The national action plan includes activities in the areas of prevention, repatriation, reinsertion, protection, and coordination. The strategic areas in the Guinean armed forces action plan complement these foci. These anti-trafficking initiatives are an integral component of Guinea's comprehensive national planning document, which includes education campaigns, child registration drives,

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and efforts to more accurately document births. The government in partnership with the NGO Plan Guinea continued its pilot program in the Forest Region to register 87% of new births, a significant increase from the 30% of births currently registered nationwide. Guinea's national poverty reduction strategy includes a program to combat child labor.

-- Prevention programs target schools, especially in the areas most affected by trafficking, engage NGO partners, and create networks of professionals including teachers and police, to keep young girls in school and promote awareness. There is a national emphasis on girls, teacher training, materials, and early childhood development. Repatriation programs are underway in cooperation with the International Refugee Committee (IRC) and UNHCR. Reinsertion initiatives include education and programs to train youth in revenue-producing activities. Protection efforts aim to erect appropriate legislative safeguards and begin data collection, and to foster high-level coordination of existing strategies.

E) Guinea's national action plan is a product of input from numerous national and multinational NGOs, civil society organizations, and labor unions, all active members of the National Committee to Combat Trafficking in Persons. These organizations include the national organizations Mano River Women's Network for Peace (REFMAP), the National Guinean Coalition/Rights and Civil Liberties for Women (CONAG/DCF), Action Against the Exploitation of Children and Women (ACEEF), Sabou-Guinea, and the Association for Children and Young Workers (AEJT). Each of these NGOs has specific programs that address awareness-raising, prevention, and victim protection.

-- Guinea's newly powerful labor unions represent an estimated 85% of Guinea's entire formal government and private sector workforce. Over the last year, the trade union movement has also represented the informal sector, students, retirees, and the larger population in its goals and demands. Their participation on the committee is intended to facilitate outreach and education throughout the country. The international organizations with representatives on the committee are International Refugee Committee, International Organization for Migration, and Terre des Hommes. All of these organizations report excellent relationships with government officials that have resulted in extremely strong collaboration.

-- Guinea also works closely with the International Labor Organization, UNICEF, and Save the Children to promote the rights of children. Together they have completed train-the-trainers programs preparing instructors who now teach government officials, police and security officers. With Sabou-Guinea, the government has addressed child protection before, during, and after armed conflicts. This liaison is implemented with UNICEF and prepares a cadre of military officers who train their colleagues to respect the rights

of children. The organizations continue to train officers and soldiers who are then deployed to educate others.

F) Guinea's borders are porous and the government has no consistent program to monitor movements across them. The government, along with other ECOWAS countries, has introduced a regional travel document program. Guinea now uses a common machine-readable passport similar to those used in Schengen countries, with a scanned photo and other safeguards. Over the last year, Guinea has made significant improvements in its passport technology in an effort to reduce document fraud.

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-- The government has not effectively monitored immigration and emigration patterns for evidence of trafficking. The government continues to work with national NGOs and the transporter union to train drivers, raising their awareness of trafficking patterns and offering them specific tools to combat trafficking and information about resources to refer victims. To address the weak immigration controls along the border areas, UNICEF worked closely with the Ministry of Security to begin mixed patrols consisting of members of security forces and civilian representatives from the local community. Local officers in the border areas were provided vehicles and other resources to enable them to carry out this mission.

G) In practice, the National Committee to Combat Trafficking in Persons is the agency charged with addressing trafficking-related matters. The new mandate of the Committee tasks its Permanent Secretariat to meet twice per month and upon convocation by the Committee president. In addition, the Committee is assigned to present a report three times per year to the Minister of Social Affairs on the implementation of the National Action Plan to Combat Trafficking in Persons. These meetings and mandated reporting are the key mechanisms that ensure coordination and communication between various agencies. However as addressed previously, there are no regular meetings or information exchanges among the larger group. The point of contact is the Committee President, Mr. Issa Traore. The government has a public corruption task force located in the Ministry of Economy and Finance, an agency also represented on the National Committee.

H) The government has a national action plan, initially drafted in 2003 and updated as necessary. Over this reporting period, the Ministry of Defense also developed its own action plan for 2007, complimenting the cross-ministerial national roadmap. The National Committee sponsored seminars during the year to evaluate progress made on the National Action Plan to Combat Trafficking in Persons. Most notable was the two-day July workshop with the ECOWAS expert to evaluate Guinea's progress under common standards. The committee acknowledges significant progress was made in prevention, data collection, and awareness. However, resources continue to pose a problem ? especially over the most recent reporting period. The National Committee President reported that his activities were delayed for months because he was unable to mobilize the resources to provide basic office supplies and other equipment necessary for basic operations of the committee.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

A) Guinea has not enacted any new legislation since the last TIP report. Guinea's Penal Code (1998) outlaws trafficking in persons under Article 337 which punishes "any person who has sealed an agreement which has as its objective the prevention of liberty of a third person, either for free or monetary profit." This crime carries a penalty of five to ten years imprisonment and the

confiscation of any money or property received from trafficking activities. This law was enacted to address internal forms of trafficking, but has also been used as the basis for transnational trafficking. Since independence in 1958, any form of slavery is illegal in Guinea.

-- This article also prohibits the exploitation of

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vulnerable persons for unpaid or underpaid labor, punishable by six months to five years prison time and a fine of 50,000 GF to 300,000 GF (approximately 10 to 57 USD). The last part of the article prohibits the exploitation of vulnerable persons to conditions of work or shelter that are incompatible with human dignity. This offense carries a fine of 50,000 GF to 500,000 GF (approximately 10 to 96 USD) and prison time of one month to five years. A law on transnational trafficking is part of a larger project on transnational crimes that is still in the drafting process.

-- The government is in the process of drafting a more specific and stringent law prohibiting trafficking in persons, based on the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Guinea's law concerning trafficking in children remains in the revision and legislative process. For minors, the changes will be integrated into a comprehensive Child Code. Although the government planned to adopt the code during the year, it has gone back to a joint committee of government and NGO experts to incorporate new provisions that would allow organizations and advocates to file suit on behalf of victims. This component will fundamentally overhaul the current judicial process that requires a victim claim for prosecution. In December, the government sponsored a workshop to collaborate with its NGO and IO partners to improve the draft. The draft legislation includes more severe penalties than those now in force for trafficking-in-persons crimes, especially for those involving children. The draft legislation specifically targets pedophilia, child pornography, the sale of children, and child abduction. The Ministry of Justice is reviewing the law to ensure its conformity with the current Penal Code. It will then be sent to the National Assembly for ratification.

-- In addition to these laws, the penal code includes several sections making illegal the following activities that may be related to trafficking in persons: hostage taking, pawning a human being, threats, assault, and pushing another person into delinquent activities, including prostitution. Taken together, the laws are sufficiently broad to cover the full scope of trafficking in persons, if applied. While some officials favor the amendment of these laws to carry stricter penalties, others argue that the government must begin by successfully being able to prosecute at least one case and to effectively ensure the perpetrator serves time in prison.

B) The article that outlaws trafficking does not make a distinction between the motives of trafficking people for sexual exploitation or for labor exploitation. In both cases, the crime carries a penalty of five to ten years imprisonment and the confiscation of any money or property received for trafficking activities.

C) The prescribed penalties for labor exploitation are rarely imposed. The government's laws provide for jail time of five to ten years but we are not aware of any case where the government has prosecuted or convicted a person under this law. Labor recruiters engage in techniques using knowingly fraudulent and deceptive offers that result in workers being exploited in Guinea and in other countries. In practice, there have been no convictions or criminal punishments in such cases.

D) The Guinean Penal Code stipulates a five-to-ten year prison term for rape. Aggravated rape, defined as rape by an authority (teacher, public official), or sexual

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violation of someone less than 14 years old, a mentally ill or physically impaired person, carries a penalty of ten-to-twenty years in prison. These penalties are comparable to crimes involving trafficking.

E) In Guinea, prostitution has not been legalized or decriminalized. It remains a violation of the Penal Code. However, a person prostituting him/herself cannot be tried under the law. The minimum age for this activity is 18 years, but girls under the age of 14 were involved in prostitution. The government did not take action when prostitution of minors was brought to its attention, and it did not monitor actively child or adult prostitution. The clients, pimps, and enforcers are criminalized but in practice, almost none of these laws are enforced. Due to the severe funding limitations and the lack of capacity for investigations and prosecutions, the government has not focused its resources in this area. Instead, it has chosen to focus on prostitution with victim protection and re-insertion programs.

F) The government of Guinea is in the process of investigating and prosecuting several cases against accused traffickers. The case reported last year, of a man living in Macenta in Upper Guinea who was arrested in January 2006 for attempting to sell his five year old daughter, was successfully investigated, prosecuted, and the perpetrator was sentenced to prison. He had begun serving prison time in N?Zerekore, the regional state facility. Unfortunately, during the January strike and state of siege, there was a fire at the prison and several prisoners escaped, including the trafficker. By the end of the reporting period, he remained at large. Deplorable prison conditions that have resulted in death, injury, and escape remain a systemic problem that the government has not adequately addressed. However, this is a separate issue that does not detract from the fact that the first trafficking case has successfully made its way through Guinea's justice system.

-- In the current period of analysis, there is data on several active and ongoing investigations of trafficking crimes. As there has only been one case that has proceeded to the trial phase, there are not comprehensive statistics regarding investigations, convictions, and sentencing. In the case from Macenta, we understand the trafficker did not pay a fine although by law he should have been required to do so. The courts did not accept a plea bargain; the population insisted that the perpetrator be imprisoned and punished for his crime.

-- During the year, a 16-year old girl from Conakry was reportedly trafficked by her two tutors for labor exploitation. The accused sent her to Monrovia to work as a domestic. While there, she was exploited sexually and returned to Conakry pregnant. The victim and her child are being cared for by a national NGO. The traffickers were arrested and their case turned over to the Ministry of Justice. During the judicial proceedings, the girl denied she had been a victim and asked that her former tutors be released. The Ministry of Justice closed the case, because there was no complaint on which to base a trial. The police completed a thorough investigation of the case and found evidence of trafficking.

-- In July, a girl was kidnapped and trafficked to a village in Macenta region to be exploited as a domestic servant. The police returned the 7-year old girl to her grandmother. The perpetrator was identified, arrested, and the case turned over to the Ministry of Justice. It remains in active investigation and the trafficker is being

prosecuted under Guinea's anti-trafficking law.

-- Guinea is both a labor source and destination country. We are not aware of any criminal prosecutions underway for labor recruiters or employers or labor agents. The government has made concentrated efforts to combat the worst forms of child labor and labor exploitation. While it has addressed trafficking generally, the government has not made specific distinctions between trafficking for labor and other purposes.

G) Traffickers in Guinea include freelance operators and some sub-regional and international networks. In general, it is believed that the majority of the traffickers are small crime groups. Because the formal service sector is relatively undeveloped, there are few employment, travel, or tourism agencies that could act as fronts for trafficking. There are some reports that government officials, or individuals with strong connections at high levels of government, may be involved in trafficking. These reports have not been confirmed and at present, there are no active investigations of government officials for trafficking-related offenses. There are no reports that profits from trafficking in persons are being channeled into any organizations or institutions other than the personal or professional accounts of the perpetrators.

H) During this evaluation period, the government has actively investigated several cases of trafficking. In November police rescued 14 Sierra Leonean women and their babies in Conakry and placed them in a safe house run by a local NGO. They were victims of a trafficking network that was planning to send them to Holland. No suspects were ever arrested but the investigation is ongoing.

-- In the Macenta case from 2005, a neighbor gave a tip to the police that a father was trying to obtain 10 million Guinean francs (approximately 2,200 USD) for his child. Although the police have limited experience and resources, they set up a covert sting operation, posing undercover as potential buyers. Their efforts were successful as they were able to collect extremely strong evidence of the father's purpose, the act, and the identity of the victim ? all the necessary components to convict the trafficker.

-- Techniques such as electronic surveillance and undercover operations are allowed but the specific techniques remain secret during the criminal proceedings as part of a sealed portion of the case file. Because the Guinean government has only recently begun investigating trafficking cases, none have yet arrived at the stage where mitigated punishment or immunity for cooperating suspects might be used. In practice, the judicial system is not sufficiently strong to offer these arrangements for any of its criminal cases. The criminal procedure code does not prohibit the police from engaging in covert operations, however limited resources make these operations rare.

I) In the last year, the government has continued to provide specialized training on trafficking for government officials, particularly members of the security services. Guinean military forces are regularly trained on problems related to children in armed conflict. The Guinean military has created an 11-member unit to deal with the rights of children and to monitor events that may be related to trafficking. This office has developed an action plan to implement these techniques in a more systematic way. The International Committee of the Red Cross (ICRC) continues to provide human rights training to members of the Guinean armed forces in cooperation with the

Bureau of International Human Rights in Kissidougou. These programs included workshops for hundreds of police trainees and student inspectors at the National Police Academy. The Ministry of Security also hosted a series of seminars for groups of security services across the country.

J) A bilateral accord between Guinea and Mali was signed in 2005 and builds upon a long history of international and regional agreements to promote human rights and to combat trafficking in children by focusing on the areas of prevention, protection, repatriation, rehabilitation, reinsertion, repression, and cooperation. The agreement sets forth specific obligations for standards that must be upheld by the Guinean government that include the development and implementation of an action plan, creation of a national coordinating committee, making sufficient funds available to combat trafficking, punishing traffickers, harmonizing legislation, developing programs and stronger relationships with civil society and donor institutions to combat trafficking. In addition, the accord outlines specific responsibilities for the state that is identified as a source, transit, and destination for trafficking. As Guinea falls into all three of these categories, this agreement binds the government in its commitment to combat trafficking in the most important domains.

-- Similarly, Guinea signed a multilateral accord among Benin, Burkina Faso, Cote d'Ivoire, Guinea Liberia, Mali, Nigeria, and Togo in 2005 to combat trafficking. The signatories have agreed upon almost identical obligations and standards as included in Guinea's bilateral agreement with Mali. In July, Guinea's Minister of Social Affairs led a delegation to Abuja where Guinea was signatory to an accord between ECOWAS and the Economic Community of Central African States (ECCAS) to combat trafficking in persons and to develop a regional action plan to support these efforts. Thus, Guinea has taken the lead on drafting cooperative agreements to address trafficking in the region. The 2005 multilateral accord creates a Permanent Regional Monitoring Commission (CRPS) with a secretariat based in Abidjan. This commission follows the activities of the signatories and ensures they are implementing the accord, exchanging necessary information, and proposing solutions to combat trafficking. Each state signatory is also charged with creating a National Monitoring Commission (CNS) composed of representatives from the government and civil society.

-- Since these accords have been signed, there are ongoing investigations of cooperative international investigations on trafficking, although the exact number is not known. The outcomes will test the effectiveness of the agreements and the ability of these regional actors to coordinate their efforts. In addition, the Guinean police are working with Interpol and the Government of France in an ongoing investigation of two women who are suspected to be actively trafficking children between Guinea and France.

K) The government has extradition agreements with ECOWAS members. There are no reports of extraditions to Guinea in the evaluation period. Guinea's first trafficking case, where the alleged perpetrator held dual Guinean and Malian nationality, was pre-empted by the perpetrator's extradition to Mali. The bilateral accord had not yet been signed when she was extradited, thus the agreement remains untested in its effectiveness to guarantee prosecution. In the future, the agreement between the two nations is that either the perpetrator would not be extradited and would stand trial in Guinea, or that the Malian government would

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guarantee that the perpetrator would face trial in Mali, witnessed by representatives from the Guinean government and/or local NGOs.

L) High-level official involvement in trafficking has been occasionally reported in newspapers, but most information identifies this activity as related to illegal immigration schemes, not trafficking. Evidence suggests that there are systemic patterns of fraud for obtaining U.S. visas. Some of the cases involve minors. Some may be women taken to the United States by government officials for the purpose of sexual and labor exploitation. Others may be beneficiaries of alien smuggling.

M) Government corruption is a problem, but there is nothing to indicate that trafficking in persons is a specific focus of corruption. There were no prosecutions of government officials for involvement in trafficking or trafficking-related corruption. Corruption remained widespread throughout society, including in the executive, legislative, and judicial branches of government. Connection to powerful individuals sometimes conferred exemption from the application of Guinea's laws.

N) Guinea does not have an identified child sex tourism problem. There is no record of any foreign pedophiles that the government has ever prosecuted or deported/extradited to their country of origin. The current child sexual abuse laws do not have extraterritorial coverage.

O) The Government has signed and or ratified conventions as follows:

-- ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor was signed by the Government of Guinea on June 6, 2003.

-- ILO Convention 29 was signed by the Government of Guinea on January 21, 1959 and 105 on forced or compulsory labor was signed on July 11, 1961.

-- The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography was signed by the Government of Guinea in December 2001.

-- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime has not yet been signed. The Ministry of Justice is working on ratifying the Protocol.

PROTECTION AND ASSISTANCE TO VICTIMS

A) Within its limited means, the government provides assistance to victims of trafficking. The Ministry of Social Affairs, through its section for Children at Risk, continues to provide assistance to 350 children, 22 of whom were trafficking victims. Most of the children are victims of violence, have been abandoned, live in unsafe homes, or are orphans. In each of these cases, the government has worked to place these children into welcoming homes, working closely with local NGOs in this effort. A case manager follows each child to ensure he or she is immediately provided with legal and medical services. Many officials would like to see this program expanded, especially with a temporary shelter where these children

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could be protected.

-- At present, there are no dedicated shelters in the country for trafficking victims. A project was initiated in 1997 to outfit a shelter for children in Yattaya, a section of Conakry. The project was to have been completed in 1998. The project donors maintain that all of the necessary funds were contributed for the project, yet the

construction was never completed. Some reports suggest that the government is making annual contributions for the maintenance of this shelter that has never been operational.

B) The government does not subsidize foreign or domestic NGO victim services, but it cooperates with NGOs who provide assistance. It also makes in kind contributions to support anti-trafficking programs such as the provision of staff to help support the mission. The National Committee to Combat Trafficking in Persons encourages more of this type of programmatic collaboration, expanding it to victim protection services. At present, victim protection is limited because of lack of resources and capacity to effectively manage available funds.

C) At present, there are no comprehensive or formal systems for identifying victims of trafficking among high-risk persons. Most law enforcement and social services personnel have only starting to become aware of trafficking. Over the last year, several NGOs report a distinct increase in the ability for officials to begin asking the right questions to identify victims. However, these procedures are inconsistent and rely on individual knowledge and exposure to the issues. This awareness tends to be at lower levels in some of the high-risk areas of the country, especially near the borders.

-- Over the reporting period, the government, in collaboration with national NGOs, initiated a ?green line? a free, 24-hour telephone number that a victim (or concerned citizen) can call to provide and receive information about resources available for victims of abuse, including trafficking. There is a referral process in place to immediately transfer victims into protective care. If foreign persons are arrested, authorities help victims contact local embassies and process travel documents for repatriation. The police assist victims by contacting humanitarian groups that, in turn, provide access to shelter and family reunification programs.

D) In general, the rights of victims are respected and they are not treated as criminals. The government sometimes gives victims refuge in jails, if no alternatives are available. Their status as victims is recognized and they are housed separately from, and given more services than, prisoners. Because there is a paucity of available statistics, it is unclear if any trafficking victims have been prosecuted for violations of other laws. Because prosecutions for immigration, prostitution, or other crimes that may be associated with trafficking are generally rare, it is unlikely that victims fall into this category. The government is working to reinforce a greater understanding among law enforcement authorities that trafficking victims must not be criminalized - a message that remains part of the public awareness campaign and government training programs.

E) The government encourages victims to assist in the investigation and prosecution of trafficking. A trafficking victim has the right to sue his trafficker in Guinea, as long s/he is at least twelve years of age. A

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victim who is a citizen of an ECOWAS country may start civil legal proceedings in Guinea, but the court procedure and decision must take place in the country where the trafficking originated. To date, there have been no such cases. If the victim is a material witness in a court case against an employer, the victim is permitted to obtain other employment.

-- At present, the victim must have been identified in order to prosecute a trafficking case. This is one of the issues under debate within the legislative process for an amended trafficking law. The government has been open to

suggestions by NGOs and victim-support groups who would like to have the opportunity to file suit without having to compromise the identity of the victim or if the victim cannot be located. Once a victim has provided the necessary information for the trail, there are no barriers for the victim leaving the country. An attorney can represent the victim during the judicial process. If Guinean trafficking victims are returned, they are given assistance to return to their home, and they have access to the social services available to other citizens. No dedicated victim services are provided for restitution.

F) The government has limited ability to provide shelter or physical protection for victims and witnesses and in practice, does not provide them. The judicial system offers protection of testimony and other evidence during and after a trial. Even after the trial is complete, the information is supposed to remain sealed. However because of rampant corruption, there have been several reported cases where this information has been compromised, making victims and witnesses more wary to assist the process. The government does not typically offer shelter or any other benefits to victims to aid them in rebuilding their lives - it does not have the resources to do so. Typically, child victims are placed in foster-care type homes with families until a more permanent solution can be found. When these families cannot be found, they are placed in orphanages.

G) To address weaknesses in law enforcement, provision of victim assistance and protection, the government continued to work with ACEEF to train security forces, customs agents, judges, prosecutors, social workers, and unions on TIP issues. At the request of the government, regional workshops to train police, gendarmes, and military on TIP issues and children's rights were conducted by ACEEF, Save the Children, and UNICEF. The armed forces plan to begin conducting their own training program for officers and soldiers on these issues in 2007.

-- The government does not provide specific training on protection and assistance to its diplomatic corps. However, all embassies and consulates are supposed to be staffed with a legal advisor, who is familiar with Guinea's laws and penal code.

H) The government provides limited assistance designed specifically for its repatriated nationals who are victims of trafficking. However, there are several programs sponsored in partnership with the government to provide assistance for several vulnerable groups. For example, working in partnership with the International Organization for Migration, employment assistance services have been made available for Guinean returnees from Switzerland, internally displaced persons, stranded migrants who returned to Guinea, and for members of the receiving community.

I) A wide range of NGO and IO contacts report excellent

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working relationships with the Government of Guinea on TIP issues. For example, police contacted NGOs to provide protection and reintegration services for the victims in the trafficking cases during this reporting period. Solid collaboration among Save the Children, the International Labor Organization, and the Ministry of Education has enabled the government to provide re-insertion services including formal, informal, and vocational education for thousands of at-risk children.

-- In general, the government lacks the resources and administrative structure to assist and protect TIP victims comprehensively. Civil servants are poorly paid and lack sufficient training; existing social services are unable to address the needs of the general population. However, through collaboration with international organizations and

NGOs, local authorities are able to provide some services for trafficking victims. These services typically focus on re-integration and re-insertion services like counseling and vocational education. Through the National Committee to Combat Trafficking, the government has been able to identify the key areas within the national plan of action where the timeline for each activity is coordinated with relevant partners and sources of funding. This mechanism has made it easier for all actors to identify what efforts still must be targeted.

-- The Government of Guinea has consistently demonstrated the political will to address the problem of trafficking in persons, but lack of resources, institutional capacity, and endemic corruption have hampered its efforts. Over the past year, Guinea has made great improvements and achieved concrete progress. This is particularly true in the area of prosecutions where, for the first time, cases are successfully making their way through a judicial system that has been unable to address impunity in most other areas. The Government of Guinea continues to engage its population to combat trafficking, although it is not currently its highest priority issue.

POST CONTACT INFORMATION

¶2. (U) Political/Economic Section Chief Jessica Davis Ba can be reached by email at davisbajl@state.gov. The Embassy telephone number is (224) 30-42-08-61/62/63; Fax number (224) 30-42-08-73. After July 6, the embassy contact for trafficking issues will be the new Political/Economic Section Chief, Shannon Cazeau, who can be reached using the same telephone and fax information.

MAJOR INVESTMENT OF TIME AND RESOURCES
FOR A WORTHY CAUSE

¶3. (U) Post recognized the importance of this report and a focus on TIP issues. We spend an extraordinary amount of time on trafficking in persons issues, integrating it into our programming and reporting priorities. We also recognize the value of using TIP as a diplomatic tool to pursue our policy goals of democracy, good governance, and human rights. We have appreciated the support and funding from the Department to enable us to further engage the government and national organizations on trafficking-related issues.

¶4. (U) The hours below represent those spent by Embassy officials preparing the trafficking in persons report:

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FSN Grade 8-2: 22 hours
Political Officer FS-03: 20 hours
Deputy Chief of Mission: 3 hours
Ambassador: 2 hours

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